



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Date:	July 8, 2005
Serial No.:	10/693,590
Filing Date:	October 24, 2003
Applicant:	HARRIS, Elbert
Title:	CONSTRUCTION PROJECT SUBMITTAL MANAGEMENT
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Commissioner for Patents  
Post Office Box 1450  
Alexandria, Virginia 22313-1450

Sir:

**DECLARATION PURSUANT TO 37 C.F.R. 1.131**

I, Elbert Harris, declare the following:

1. I am inventor in the above-identified application, and reside at 11436 Canterbury Circle, Leawood, Kansas 66211.
2. I have roughly thirty (30) years of experience in the construction business. Through my years of experience I have realized that managing the submittal process of information and materials to meet specifications is a critical aspect of a construction project. In almost all construction projects it is typical for the architect and engineering design firms to determine a project design and to set the specifications for materials to meet the design parameters. Once the specifications are set, contractors and subcontractors working on the project must make

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submittals of material specifications to meet the requirements set. A big job for those involved with a construction project is to manage these submittals and to receive timely approvals to requests to keep a construction project moving forward.

3. Through my experience in the construction industry I discovered a need for an efficient system that allows all construction professionals participating in a construction project to be involved in the creation of submittals, and the management of those submittals. In light of this discovery I conceived of my networked submittal system.

4. Attached as Exhibit A is a true and correct copy of portions of a business plan that I created and sent to a potential investor about March 6, 2001. As is shown in Exhibit A, my invention, which was disclosed to the potential investor on or about March 6, 2001, includes an Application Service Provider (ASP) that provides a subscription service to construction professionals. The ASP integrates the submittal process through the internet by storing submittal information on a central database that is accessible by all construction professionals participating in a construction project. As is discussed in Exhibit A, this ASP database eliminates prior art usage of the postal service to deliver submittal information from a contractor to the architect/engineer (or owner's representative) for review and approval and to deliver approval back to the contractor. Instead, the contractor accesses the ASP website over the internet to post submittal information, and the architect/engineer (or owner's representative) accesses the ASP website over the internet to review the submittal information and to provide approval of the submittal.

5. At least as early as June 26, 2001, I had initiated design of a website, [www.submittaldot.com](http://www.submittaldot.com) (the "Website"), to incorporate my invention as an ASP. Attached as Exhibit B, is a true and correct copy of an email message dated June 26, 2001 from my web-designer regarding the design of the Website.

6. About August 8, 2002, the design of my website continued moving forward. Attached as Exhibit C, is a true and correct copy of a confirmation of renewal for the domain name for the Website. Also, attached as Exhibit D, is a true and correct copy of a portion of a business plan,

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similar to that shown in Exhibit A, that I created and sent to a potential investor about August 16, 2002. As is shown in Exhibit D, the Website was “under development” and “moving rapidly” as of and prior to August 16, 2002, with an expected initial testing date of September 2002.

7. About September 27, 2002, development of the Website was still moving forward. Attached as Exhibit E, is a true and correct copy of an email discussing development of the Website.

8. About October 14, 2002, content of the Website was being refined. Attached as Exhibit F, is a true and correct copy of an email discussing the content of the “Active Items Page” of the Website.

9. Development of content of the Website continued through October, November and December 2002 and into January of 2003. Attached as Exhibit G, are a true and correct copies of a number of emails dated from November 13, 2002 to January 8, 2003, in which the content of numerous portions of the Website was discussed.

10. About the end of January 2003, the Website was ready to begin in-house beta testing.

11. About February 5, 2002, and about February 20, 2002, respectively, confidentiality agreements were executed with several persons for those persons to conduct testing of the Website. Testing continued for approximately the next year.

12. About March 4, 2003, I met with Mr. Mark Manley to discuss preparation of a patent application for my invention. Mr. Manley conducted a patentability search and prepared a provisional patent application for my invention. About April 3, 2003, Mr. Manley had completed an initial draft of the provisional patent application for my invention for me to review. The provisional application was filed on April 28, 2003, and the above-identified non-provisional application which claims priority to the provisional application was filed on October 24, 2003.

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I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

  
Elbert Harris

7-8-05  
Date

## Executive Summary

### **PURPOSE:**

The purpose of **SubmittalDot.com** is to provide a service for companies in or associated with the construction industry. The potential clientele range from general contractors, subcontractors, engineers, and architects to any business having significantly large capital expenditures in construction related activities such as The Sprint Campus, UtiliCorp, etc.

The goal for **SubmittalDot.com** is to meet the communication needs of these businesses, by assisting them in streamlining their communication networks and thus reducing their overall administrative costs. **SubmittalDot.com** is an interactive Internet based business process that allows businesses to effectively manage the way they transfer information. This is accomplished by creating an Application Service Provider (ASP) to integrate the submittal process through the Internet.

The manner in which submittals are handled is cumbersome time consuming and uses the United States Postal Service to transfer information. The formal procedure for a submittal is: an architect specifies a product; then the general contractor, and/or his subcontractor supplies written documentation (usually from their vendors) that their product meets the required specifications; and then the architect must approve before construction can begin. Currently, a contractor secures hand written information submitted from the subcontractor and/or vendor through the postal service. In turn, the contractor submits the information through the postal service to the architect /engineer or owner's representative for approval. This mailing process

approval. This mailing process is then reversed back to the subcontractor with approval rating. **SubmittalDot.com** plans to eliminate the postal service and allow the submittals to flow directly from the subcontractor, general contractor, architect, to eventually the owner- all through the Internet. We will not be able to solve all of the problems related to the submission of submittals. There will be some submittals that must be engineered and cannot be handled without personal interaction. There will also be some submittals that cannot be generated because they require products to be submitted with them or where the owner is unwilling to allow that data and/or samples to be submitted at a later date. However, it appears that **SubmittalDot.com** can satisfy approximately 75% of the submittal needs for the construction industry. ONCE **SubmittalDot.com** BECOMES THE STANDARD, ALMOST ALL SUBMITTALS WILL BE PROCESSED ONLINE.

## REVENUE STREAMS:

**SubmittalDot.com** will conservatively generate two thirds of its revenue from subscribers. The remaining third could come from the following sources:

- Vendors, suppliers, and manufacturers advertising on the website - This advertising should generate \$500,000 to one million dollars per year. We anticipate most advertisers would have a banner and/or links to their companies website for product information (such as the Home Depot).
- After the first year, links to other software services - This could be soil reports, quality control reports, search/research features, and project logs.
- ASP – Used as outsourcing for clients including accounting, scheduling, and estimating applications.
- The database developed during a twelve-month period – This database is invaluable in terms of developing information on the purchasing behaviors and products that contractors across the nation would have bought in one year. We would know immediately at the end of a twelve-month period what paint products, ceiling tile products, concrete mix designs, carpet colors, etc. were used most frequently in the construction industry. We would know the price of the product, the manufacturer and the user. This certainly would be valuable to vendors in the market place in trying to position themselves to receive orders for products.
- The storage of data – Most contractors need to keep their paperwork for at least five years after a job is complete. Because this is an ASP system, the product of submittals would automatically be available to the contractor for a specific period of time. By having **SubmittalDot.com** maintain their files, we can charge a fee for the stored data. It would eliminate the necessity for the contractor keeping tons of paper in his office and would provide for immediate retrieval.

- Purchasing of materials online – Probably the most lucrative of all, it is our hope that we can order products online. We have not completed an analysis of dollars spent for construction activities, but the general expectancy is 40 to 50% of all construction dollars go for materials, equipment, and/or products. Using our information of \$170,000,000,000.00 spent in construction, 40% would be 68 billion dollars. The product ordered online would be sent directly to the client at the job site. This would do away with all the telephone calls, follow-ups, etc. related to the delivery of products.
- Disaster Recovery – This service is invaluable. Whenever a contractor has a fire, flood, theft, other bad luck, **SubmittalDot.com** can provide disaster recovery of information.

#### **BENEFITS TO THE INVESTOR:**

- Low-minimum financial exposure
- High level of probability of success
- Opportunity to gain entry into market share
- Other avenues for expanding architectural as well as IT divisions of [REDACTED]
- Lend itself to other areas of ASP discipline
- Different technology as a member of ASP



**From:** Jin Zhang [jinz@a-techusa.com]  
**Sent:** Tuesday, June 26, 2001 3:03 PM  
**To:** Elbert Harris  
**Subject:** 2 questions

Hi, Mr. Harris, I have two questions for you:

1. Submittaldot.com, did you save all the content to local yet? I spoke with one of your staff giving her instructions about what to do and I hope she has completed that okay. Let me know if it's done so that I can remove it from the hosting server.
2. For Bralenvironmental.com, Contact Us page, "I am interested in knowing more about Bral's following service: ..." I am still waiting on a list of services provided by Bral. Please email me that list.

FYI, the web design is going well, except I still haven't heard back from Birch – called them last week asking for server configuration changes (they didn't set up some features on our account), I was told that they will give me a call once that's completed, but still haven't heard back from them. Didn't think those are going to take that long! Well, I will be patient, and maybe call them up again early next week. Will keep you posted!

Have a nice day!  
Jin

11/22/04

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**From:** help@netsol.com  
**Sent:** Thursday, August 08, 2002 1:40 PM  
**To:** Elbert Harris  
**Subject:** Confirmation of Your Recent VeriSign Renewal

Your VeriSign(r) Order is Confirmed

Thank you for renewing your online services with VeriSign.  
Your renewal is confirmed and is summarized below.

ORDER #: 89990637

DOMAIN NAME: SUBMITTALDOT.COM  
TERM: 7/19/02 to 7/19/05

COMPLETE YOUR WEB SERVICES:

Whatever your personal or business needs are on the Web,  
VeriSign has everything you need -- all in one place, including:

- \* E-Mail -- matches your Web address, and includes free e-mail forwarding and Spam blocking. Works with any Web browser or favorite e-mail program (Outlook(TM), Eudora(TM), etc.).

- \* Web sites -- simple, all-in-one packages including a domain name, e-mail address and hosting. Choose the size that is right for you -- a one-page or a multi-page site. In less than an hour you can set up your site with easy-to-follow instructions and a choice of over 100 design templates.

- \* SureList -- have your Web site included in the major search engines, including AOL, MSN, HotBot and iWon.

Learn more now: <http://www.verisign-welcome.com/ra/domain>

At VeriSign, we've been building online identities since the Internet was introduced. We will continue to put this experience and reliability to work for you.

Once again -- thank you for your order.

### **Current Status**

The SubmittalDot.com software application and website are currently under development. Funded entirely by Mr. Elbert Harris, the project is moving rapidly. We expect the initial product to be ready for testing by the end of September, 2002.

### **Management**

The management of SubmittalDot.com has extensive knowledge of the construction industry, website development, and internet software application development. As a combined unit, the founder, developer and the technical director have of 60 years of directly related experience.

### **Investment to Date**

To date, Mr. Elbert Harris has invested over \$125,000 in SubmittalDot.com. In addition to hard capital, countless hours of goodwill investment has been made by the other development team members.

### **Capital Investment**

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**From:** Alan Harris  
**Sent:** Friday, September 27, 2002 2:28 PM  
**To:** Gary Leach (E-mail)  
**Cc:** Elbert Harris  
**Subject:** More information

Gary, in response to our last discussion, below, please find the sources for the submittal request form page.

Date: default from SubDot.com  
TR: from submittal wizard  
TO: Default from Jobs Page in submittal wizard  
FROM: Default from subscriber info  
Contract #: Default from Jobs Page  
Project Title &  
Location: Input from customer this page  
Specification  
Sec. No: Input form customer this page  
Check One: Input form customer this page  
a. through h. Input form customer this page  
(we should get rid of the page I had that says "Input Scope". Customer should input here. I think it would be less confusing in the long run)  
Remarks: Input form customer this page

Please call to acknowledge your receipt of the preceding. I'll talk to you then. I am interested to know what additional progress has been made. Thank you.

Regards,

*Alan Harris*

BRAL Environmental Services  
aharris@bralenvironmental.com  
(816) 942-6655 x139

**From:** Gary Leach [gleach@kc.rr.com]  
**Sent:** Monday, October 14, 2002 9:20 AM  
**To:** Alan Harris  
**Cc:** Elbert Harris  
**Subject:** Example of New Active Items page.

Alan,

I am getting ready to send this to Jason for scripting and thought you should take a look at it first. Let me know if anything needs to be corrected or added. This is the "Active Items Page" only and does not include the "Add Specification" page or results.

Thanks,  
Gary

**From:** Gary Leach [gleach@kc.rr.com]  
**Sent:** Wednesday, November 13, 2002 1:35 PM  
**To:** Elbert Harris  
**Subject:** fill sheet

Elbert,  
Here is a graphic.

Gary

11/22/04

**Figure 6.** The effect of the initial concentration of the monomer on the polymerization of **1**. [AIBN] = 0.01 mol/L; [CuBr<sub>2</sub>] = 0.001 mol/L; [Ligand] = 0.002 mol/L; [M]<sub>0</sub>/[CuBr<sub>2</sub>]/[Ligand] = 100/1/2; T = 70 °C; t = 2 h.

**From:** Alan Harris  
**Sent:** Thursday, November 14, 2002 1:16 PM  
**To:** Elbert Harris  
**Subject:** RE: fill sheet

-----Original Message-----

**From:** Elbert Harris  
**Sent:** Thursday, November 14, 2002 11:53 AM  
**To:** Alan Harris  
**Subject:** FW: fill sheet

-----Original Message-----

**From:** Gary Leach [mailto:gleach@kc.rr.com]  
**Sent:** Wednesday, November 13, 2002 1:35 PM  
**To:** Elbert Harris  
**Subject:** fill sheet

Elbert,  
Here is a graphic.

Gary



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**From:** Alan Harris  
**Sent:** Monday, November 18, 2002 11:59 AM  
**To:** Gary Leach (E-mail)  
**Cc:** Elbert Harris  
**Subject:** Responder Text

Dear Gary, below, please find the responders text.

Also, I think we should meet prior to Thursday to map out a game plan for the presentation. I am available at your convenience.

Regards,

*Alan Harris*

BRAL Environmental Services  
aharris@bralenvironmental.com  
(816) 942-6655 x139

**From:** Gary Leach [gleach@kc.rr.com]  
**Sent:** Tuesday, November 19, 2002 1:42 PM  
**To:** Elbert Harris  
**Subject:** link to

?

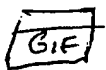
27

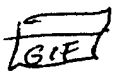
11/22/04


**From:** Gary Leach [gleach@kc.rr.com]  
**Sent:** Friday, December 06, 2002 3:38 PM  
**To:** Elbert Harris  
**Subject:** Doc

File Attached:

W\*  
Flow  
of  
Submittal

  
Spec-filled in  
(21 KB)

  
Spec-filled in  
(22 KB)

  
Spec-filled in  
(23 KB)

Spec-filled in  
(20 KB)

**From:** Gary Leach [gleach@kc.rr.com]  
**Sent:** Friday, December 06, 2002 3:38 PM  
**To:** Elbert Harris  
**Subject:** Doc

File Attached:

**From:** Gary Leach [gleach@kc.rr.com]  
**Sent:** Monday, December 23, 2002 12:31 PM  
**To:** Elbert Harris  
**Cc:** Alan Harris  
**Subject:** Help page demo

Elbert,  
I have started building the help demo's. Here is a sample of how it will work.

click on the active link "help add users to teams"

Gary

**From:** Gary Leach [gleach@kc.rr.com]  
**Sent:** Friday, December 27, 2002 11:12 AM  
**To:** Elbert Harris  
**Cc:** Alan Harris  
**Subject:** Questions for discussion

Elbert,

I have jotted down some questions I have for our Monday meeting. Please take a moment to look over. Any questions you have please feel free to add. I have also attached the files I refer to.

Thanks,

Gary Leach  
Access Media Ink

**From:** Gary Leach [gleach@kc.rr.com]  
**Sent:** Wednesday, January 08, 2003 3:19 PM  
**To:** Elbert Harris  
**Subject:** Submittal Dot Agreements

Elbert,

Here are some examples of service agreements and privacy policies! You can read through which things you want to leave out or add to your service/privacy agreement. Read carefully or copy and paste into word for your use to make changes.

#### **Service Agreements**

#### **Privacy Policy**

Please make a list of all changes and tweaks as you test the new beta site. The site is now changing hourly as we our working through all the connection issues.

Gary

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